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COUNSEL/PARTIES OF RECORD	
JUL - 9 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORDER

KEVIN ROHN GILL,

Plaintiff,

vs.

ROMEO ARANAS, et al.,

Defendants.

Case No. 3:17-cv-00159-MMD-CBC

**DEFENDANT'S MOTION FOR
ENLARGEMENT OF TIME TO ANSWER
OR OTHERWISE RESPOND TO
PLAINTIFF'S COMPLAINT**

Defendant, Romeo Aranas, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby move this Honorable Court for an enlargement of time to answer or otherwise respond to Plaintiff's complaint. A hearing on this motion is not requested.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS AND PROCEDURAL HISTORY

This case is a pro se civil suit pursuant to the Eighth Amendment to the United States Constitution. (ECF No. 29 at 3-15). Plaintiff, Kevin Rohn Gill (Plaintiff), is an inmate in the lawful custody of the Nevada Department of Corrections (NDOC). (ECF No. 1-1, 6, 29). Plaintiff sues Defendant for deliberate indifference to serious medical need and cruel and unusual punishment. The Court's Screening Order only allowed him to proceed on a single deliberate indifference claim. (ECF No. 5 at 5).

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1 Plaintiff filed his Second Amended Complaint in this matter on May 2, 2019, (ECF No. 37). A
2 revised Notice of Acceptance of Service was filed May 28, 2019. (ECF No. 44). Accordingly,
3 Defendants' answer is due today, July 8, 2019. Unfortunately, Defendants are unable to comply with
4 this deadline. Due to a recent reassignment of this matter, due to the resignation of the prior attorney
5 counsel is unable to timely answer or otherwise respond to the Complaint. This is the result of
6 temporary short-staffing in this Bureau of Litigation at the Office of the Attorney General.
7 Defendants' counsel is also currently preparing to assist in a jury trial before the United States District
8 Court, which is scheduled to commence on August 12, 2019, and counsel needs sufficient time to
9 prepare for trial. Therefore, Defendants request fifteen (15) additional days, or up to and including
10 Tuesday, July 23, 2019, to answer or otherwise respond to Plaintiff's complaint.

11 **II. DISCUSSION**

12 Federal Rule of Civil Procedure 6(b) governs enlargements of time and provides as follows:

13 (1) In General. When an act may or must be done within a specified time, the
14 court may, for good cause, extend the time:

15 (A) with or without motion or notice if the court acts, or if a request is made,
16 before the original time or its extension expires; or

17 (B) on motion made after the time has expired if the party failed to act because of
18 excusable neglect.

19 Here, the answer or other response to Plaintiff's complaint is due today, July 8, 2019.
20 Defendant is requesting the enlargement of time in advance of the expiration of the period originally
21 prescribed by the Federal Rules of Civil Procedure to respond. Therefore, the Court may extend the
22 time for good cause. Defendant needs the requested enlargement due to a recent and dramatic increase
23 in his counsel's current workload. The Bureau of Litigation at the Office of the Attorney General has
24 recently experienced short-staffing, because other attorneys accepted new employment opportunities.
25 This short-staffing problem should be resolved in the very near future. Moreover, counsel is currently
26 preparing for a jury trial before the United States District Court and needs sufficient time to prepare.

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1 Defendant asserts the current short-staffing and his counsel's need to prepare for trial constitutes good
2 cause for the requested enlargement. Consequently, Defendant requests fifteen (15) additional days, or
3 up to and including Tuesday, July 23, 2019, to answer or otherwise respond to Plaintiff's complaint.

4 **IV. CONCLUSION**

5 Based on the foregoing, Defendant respectfully request this Honorable Court allow them up to
6 and including Tuesday, July 23, 2019, to file his answer or other response to Plaintiff's complaint.

7 Dated this 8th of July, 2019.

8 AARON D. FORD
9 Attorney General

10 By:


11 DOUGLAS R. RANDS, Bar No. 3572
12 Deputy Attorney General

13 *Attorneys for Defendant*

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16 IT IS SO ORDERED

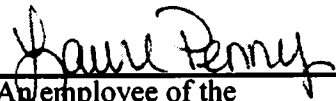

17 U.S. MAGISTRATE JUDGE

18 DATED 7/9/2019
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 8th of July, 2019, I caused to be deposited for mailing in the U.S. Mail, a copy of the foregoing, **DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME TO ANSWER OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**, to the following:

Kevin Rohn Gill #89919
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070


An employee of the
Office of the Attorney General

DECLARATION

DOUGLAS R. RANDS

DECLARATION

DECLARATION OF DOUGLAS R. RANDS

1
2 1. I, Douglas R. Rands, am over the age of 18 and am otherwise fully competent to testify
3 to the facts contained in this declaration.

4 2. The statements contained in this declaration, except where otherwise indicated to be
5 upon information and belief, are based on my personal knowledge and experience.

6 3. I am an Attorney licensed to practice law in the Federal District Court for the District of
7 Nevada.

8 4. In connection with the filing of this declaration, I submit this declaration in support of
9 Defendant's Motion for Extension of Time in the matter entitled *Gill v Aranas*, Case No. 3:17-cv-
10 00159-MMD-CBC.

11 5. I have submitted the Motion on behalf of my client due to the late reassignment of this
12 matter from another attorney in this office.

13 6. The Bureau of Litigation at the Office of the Attorney General has recently experienced
14 short-staffing, because other attorneys accepted new employment opportunities. This short-staffing
15 problem should be resolved in the very near future.

16 7. Moreover, counsel is currently preparing for a jury trial before the United States District
17 Court and needs sufficient time to prepare.

18 8. This motion is not made for the purpose of delay.

19 9. An answer or other reply will be filed by July 23, 2019.

20 FURTHER I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is
21 true and correct.

22 EXECUTED this 8th day of July, 2019

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25 _____
26 Douglas R. Rands
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